



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 4.1

Harbour East-Marine Drive Community Council July 14, 2014

TO: Chair and Members of Harbour East-Marine Drive Community Council

Original signed

SUBMITTED BY: _____
Brad Anguish, Director of Community and Recreation Services

DATE: May 30, 2014

SUBJECT: **Case 18992: Rezoning and Development Agreement for Erindale Estates, Eastern Passage**

ORIGIN

Application by Armco Capital Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter; Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give First Reading to the proposed rezoning of lands at Caldwell Road and Cow Bay Road from the R-1 and R-2 Zones to the CDD (Comprehensive Development District) Zone as shown in Attachment A of this report and schedule a public hearing;
2. Give Notice of Motion to consider the proposed development agreement as contained in Attachment B of this report to allow reduced frontage lots and schedule a public hearing. The public hearing shall be held concurrently with that indicated in Recommendation 1;
3. Approve the proposed rezoning of lands at Caldwell Road and Cow Bay Road from the R-1 and R-2 Zones to the CDD (Comprehensive Development District) Zone as shown in Attachment A of this report.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the amendments to the Eastern Passage/Cow Bay Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the Halifax Regional Municipality Charter, it is further recommended that Harbour East-Marine Drive Community Council:

1. Approve the proposed development agreement as contained in Attachment B.
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Armco Capital Inc. has submitted an application to rezone the lands between Caldwell Road and Cow Bay Road in Eastern Passage (Map 1) from the R-1 (Single Unit Dwelling) and R-2 (Two Unit Dwelling) Zones to the CDD (Comprehensive Development District) Zone. Approximately 10.78 acres of the subject lands are occupied by a wetland which could be developed if provincial approvals to alter it were obtained. Rather than disturb the wetland, this application seeks to re-allocate its development potential across the remaining portion of the lands. The transfer would permit the additional single unit dwelling lots proposed to be accommodated with reduced lot frontage and area. The application of the CDD Zone to the lands enable the use of a development agreement to control the subdivision and development of the lands. The consideration of the rezoning and development agreement requests are subject to approval by Harbour East-Marine Drive Community Council.

Location, Designation, Zoning and Surrounding Land Use

Subject Property	Parcel of land situated on the north side of Cow Bay Road, on the southeast side of Briarwood Drive and on the northwest side of Caldwell Road at Eastern Passage (Map 1)
Location	Located between Caldwell Road and Cow Bay Road, Eastern Passage (Map 1)
Lot Area	9.92 hectares (24.52 acres)
Designation	Urban Residential under Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Urban Settlement under Regional MPS (Map 1)
Zoning	R-1 and R-2 under Eastern Passage/Cow Bay Land Use By-law (LUB) (Map 2)
Surrounding Uses	Adjacent to existing residential development on Briarwood Drive, Caldwell Road, Kaleigh Drive, Aubrey Terrace and Cow Bay Road. Existing housing form is comprised mostly of two unit dwelling along Kaleigh Drive and Briarwood Drive with some single unit dwellings along Caldwell Road and Cow Bay Road.
Current Use(s)	Undeveloped

Proposal

The developer has submitted a proposal to change the development potential on the subject lands to enable 160 dwelling units, 122 of which are reduced frontage and area lots for single unit dwellings and 38 are two unit dwellings. The proposal also includes a wetland, and a request to transfer density allocated to the area of the wetland to the developable area of the lands. Staff is proposing that a CDD zone be applied to the property, which requires a development agreement, so as to enable the reduced frontage and area lots, as well as protect the delineated wetlands from future development by restricting residential development to limited areas only. Under the proposed agreement, any alteration of the wetland area would require a substantive amendment that would need approval from Nova Scotia Environment and Community Council following a public hearing.

Concurrent Subdivision and Planning Applications

Armco Capital Inc. also has an active final subdivision application on file for the subject lands. The subdivision, to accommodate 87 single unit dwelling and 17 two unit dwelling lots (34 units) on five new streets, is currently permitted through the as-of-right approval process. In comparison, the requested development agreement would allow 122 single unit dwelling and 19 two unit dwelling lots (38 units). The area to be dedicated as public parkland and the public street layout remains the same in both plans. The purpose of the development agreement application is to enable the subdivision to be developed with single unit dwelling lots with reduced lot frontage and area. Under the proposed development agreement, the developer may choose to develop the lands by either lot layout.

Through the final subdivision application approval process, a Subdivision Agreement has been executed with the developer which sets out standard terms and conditions relative to construction and takeover over municipal infrastructure. A pre-construction meeting was held with HRM staff on May 23, 2014 and, as the street layout remains unchanged in either situation, the developer has begun work on the site. Should the rezoning and development agreement be approved, the developer will need to obtain the necessary approvals of the revised plans prior to constructing any associated infrastructure.

Enabling Policy

Policy UR-13 of the Eastern Passage/Cow Bay MPS states Council's intent to establish a Comprehensive Development District (CDD) through the Land Use By-law. The intent is to permit any residential land use and local commercial and community facilities in association with residential uses. The proposal by the developer is reasonably consistent with the Policy criteria (see Attachment C). Under Part 26 of the Eastern Passage/Cow Bay Land Use By-law the CDD requirements are such that no development permit may be issued except in accordance with the development agreement provisions of the *Halifax Regional Municipality Charter*. Under Policy UR-13 consideration of development agreements is subject to IM-11 that deals with appropriateness of the proposal relative to municipal services, compatibility with adjacent land uses and capability of the site. To provide for a mixture of housing types with an emphasis on single unit dwellings, the Eastern Passage/Cow Bay MPS establishes a general objective under Policy UR-5 of 70:30 as a housing mixture ratio between single unit dwellings to other types of residential dwelling units within the plan area.

Approval Process

The approval process for this application involves two steps:

- i) First, Community Council must consider and, if deemed appropriate, approve the proposed amendment to the Land Use By-law (Schedule 1) to include the subject land under the CDD zone; and
- ii) Secondly, Community Council shall consider and, if deemed appropriate, approve the proposed development agreement.

A single public hearing may be held by Community Council to consider both the LUB amendment and the development agreement following the approval of the LUB amendment. Community Council will be provided with a supplementary report once the LUB amendment is in effect, at which time it may consider approval of the development agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

DISCUSSION

Staff reviewed the development proposal relative to the applicable policy criteria and advise the proposed development form enabled by the proposed development agreement is reasonably consistent with the intent of the Eastern Passage/Cow Bay MPS. Attachment B contains the proposed development agreement and Attachment C contains staff's analysis of the applicable policies. Staff has identified below some aspects of the proposal that warrant further discussion.

LUB Amendment

The rezoning of the lands known as Erindale Estates in Eastern Passage to CDD (Comprehensive Development District) allows for Council's consideration of residential development of the lands through the development agreement process. The proposed development agreement allows for protection of the wetlands and consideration of the reduced frontage lots. The development proposal will benefit from the control and flexibility the development agreement process provides in reducing potential land use conflicts. Under the proposed agreement, any alteration of the wetlands area would require a substantive amendment to the agreement that would include approval from Nova Scotia Environment and Community Council approval following a public hearing.

Compatibility - Housing Type Mix and Density

The development proposal for reduced frontage and area lots for 122 single unit dwellings and 38 two unit dwellings meets and exceeds the 70:30 ratio for single unit dwellings to other types of dwelling units in accordance with Policy UR-5. Conformance with the Policy was raised during the Public Information Meeting and was achieved by proposing the single unit dwellings on reduced frontage and area lots rather than two unit dwellings. In this case "reduced" means the lot sizes are reduced from the standards of the Eastern Passage/Cow Bay LUB and the proposed DA provides for 35, 40 and 50 foot reduced frontage lots with 3500, 4,000 and 5,000 square feet reduced lot areas, respectively, under the associated development standards. The proposed development agreement also permits the developer flexibility to request additional 35 foot reduced frontage lots in two identified areas and by the conversion of permitted two unit dwelling lots.

The dwelling unit types surrounding the subject lands are predominantly two unit dwellings located on a variety of lot sizes. These dwellings are small scale but not out of character for residential development in the general area of Caldwell Road and Cow Bay Road. The scale of the proposed dwelling units, both reduced frontage lots single unit dwellings and two unit dwellings, will be compatible with these surrounding existing homes.

Traffic Impact and Access

A Traffic Impact Statement (TIS) submitted by the developer studied the effect of increasing the number of dwelling units from that which is enabled by the final subdivision application (95 single unit dwellings and 34 two unit dwellings) to the proposed number of dwelling units (160 total comprised of 122 single unit dwellings and 38 two unit dwellings). The proposed development is not expected to have a significant impact on levels of performance on adjacent streets and intersections and would not necessitate infrastructure upgrades. Staff accepts and concurs with the findings of the TIS.

Stormwater Management

A stormwater management plan is required for the Erindale Estates development under the subdivision application approval process. In accordance with NS Environment and HRM requirements, the developer shall match pre-development and post development stormwater flows at peak conditions, resulting in no net increase in downstream stormwater.

Conclusion

The proposed development agreement as contained in Attachment B is reasonably consistent with Policies UR-5, UR-13 and IM-11 of the MPS. Therefore, staff recommends that Council approve the rezoning to Comprehensive Development District and the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the agreement can be carried out within the approved 2014/15 operating budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was consultation, achieved through a public information meeting held on December 9, 2013. Attachment D contains a copy of the meeting minutes. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2. In addition to the public information meeting, a FAQ (Frequently Asked Questions) link¹ was posted to the Active

¹ <http://www.halifax.ca/planning/applications/documents/18992FrequentlyAskedQuestions.pdf>

Planning Applications web page at halifax.ca as a means of addressing questions raised by the public. Additionally, staff responded to several telephones enquiries concerning increased density, flooding issues and increased traffic volumes.

A public hearing must be held by Community Council before they may consider approval of amendments to the LUB or the approval of a proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed development agreement (Attachment B) will potentially impact local residents and property owners on Caldwell Road and Cow Bay Road.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the MPS. No additional concerns were identified beyond those discussed in this report.

ALTERNATIVES

1. Community Council may choose to refuse to approve rezoning and the development agreement and, in doing so, must provide reasons why the development agreement does not reasonably carry out the intent of the MPS. This is not recommended. A decision of Council to reject this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to approve the rezoning and the development agreement subject to modifications. This may necessitate further negotiations with the applicant, a supplementary staff report and an additional public hearing. This is not recommended.

ATTACHMENTS

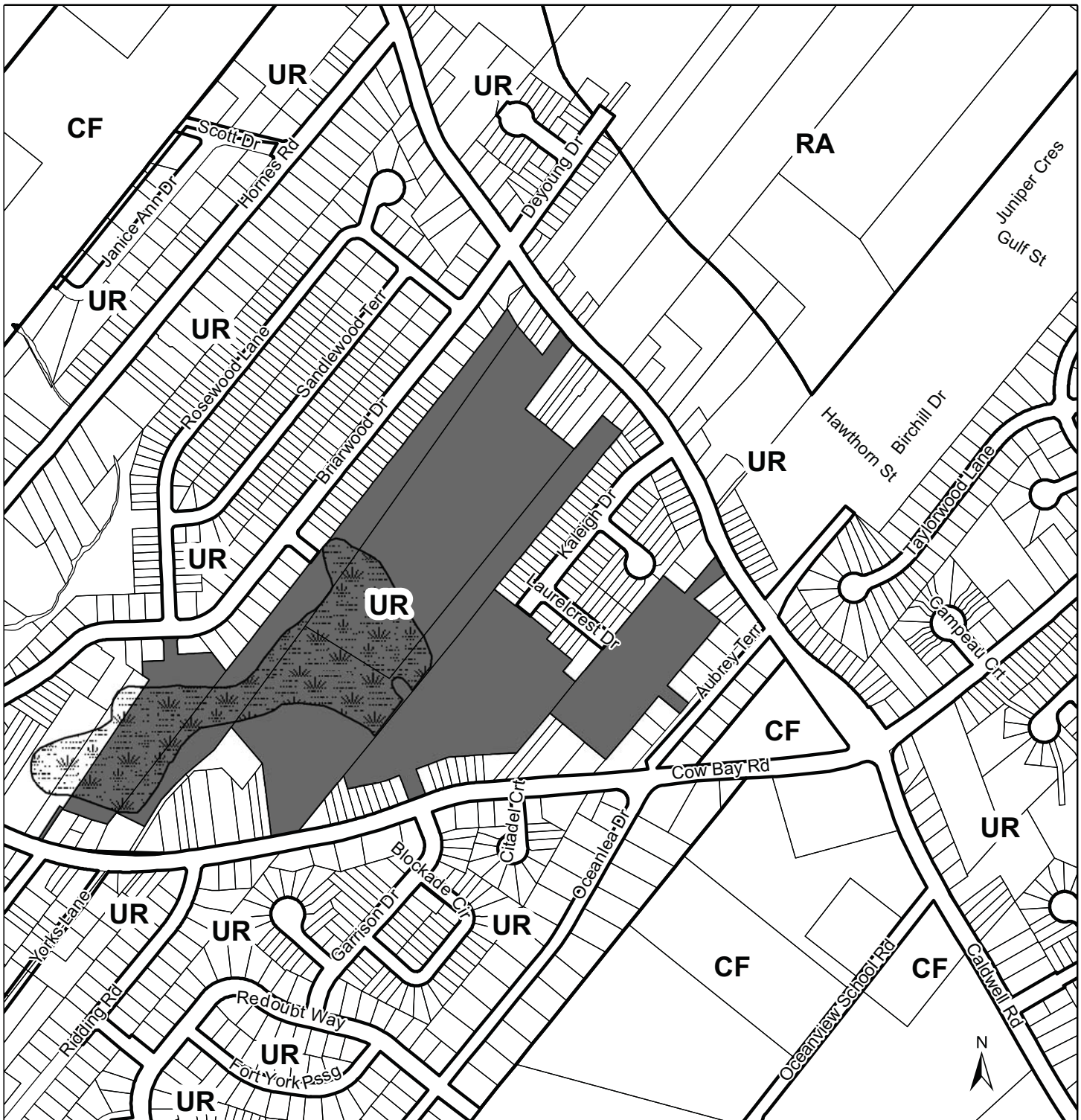
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amendment to Eastern Passage and Cow Bay LUB
Attachment B	Proposed Development Agreement
Attachment C	Applicable Policies from Eastern Passage/Cow Bay MPS
Attachment D	Minutes from December 9, 2013 PIM

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Darrell Joudrey, Planner 1, 490-4181

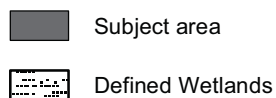
Original signed

Report Approved by:  Kelly Denty,  Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

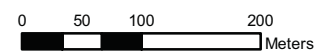
Caldwell Road,
Eastern Passage



Eastern Passage/Cow Bay
Plan Area

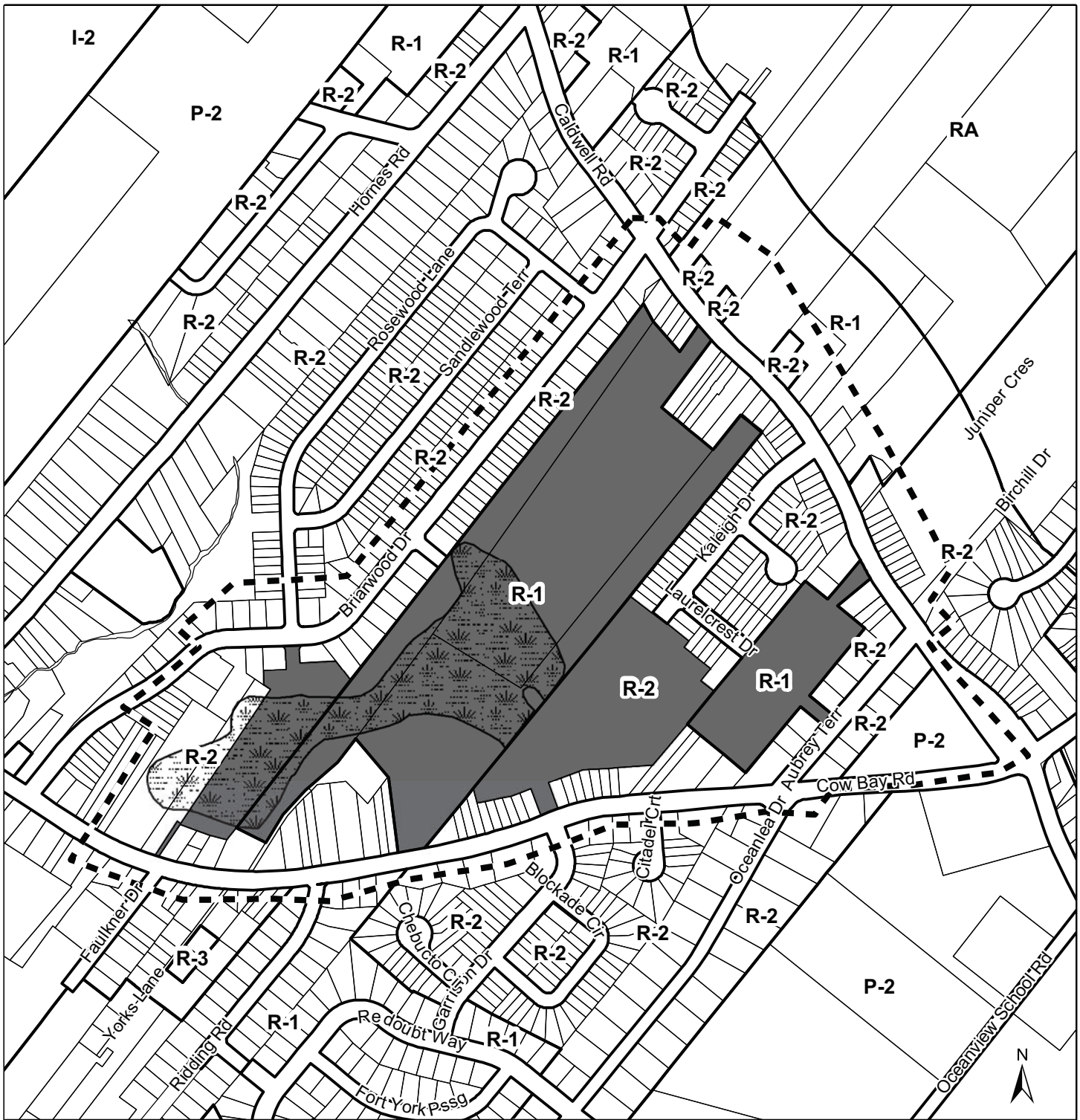
Designation

UR Urban Residential
RA Rural Area
CF Community Facility






This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

HRM does not guarantee the accuracy
of any representation on this plan.



Map 2 - Zoning and Notification

Caldwell Road,
Eastern Passage

-  Area to be rezoned to CDD
(Comprehensive Development District)
-  Area of Notification
-  Defined Wetlands

Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- I-2 General Industry
- P-2 Community Facility

0 50 100 200
Meters

This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

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Eastern Passage/Cow Bay Plan Area

Attachment A:

Proposed Amendments to the Eastern Passage and Cow Bay LUB

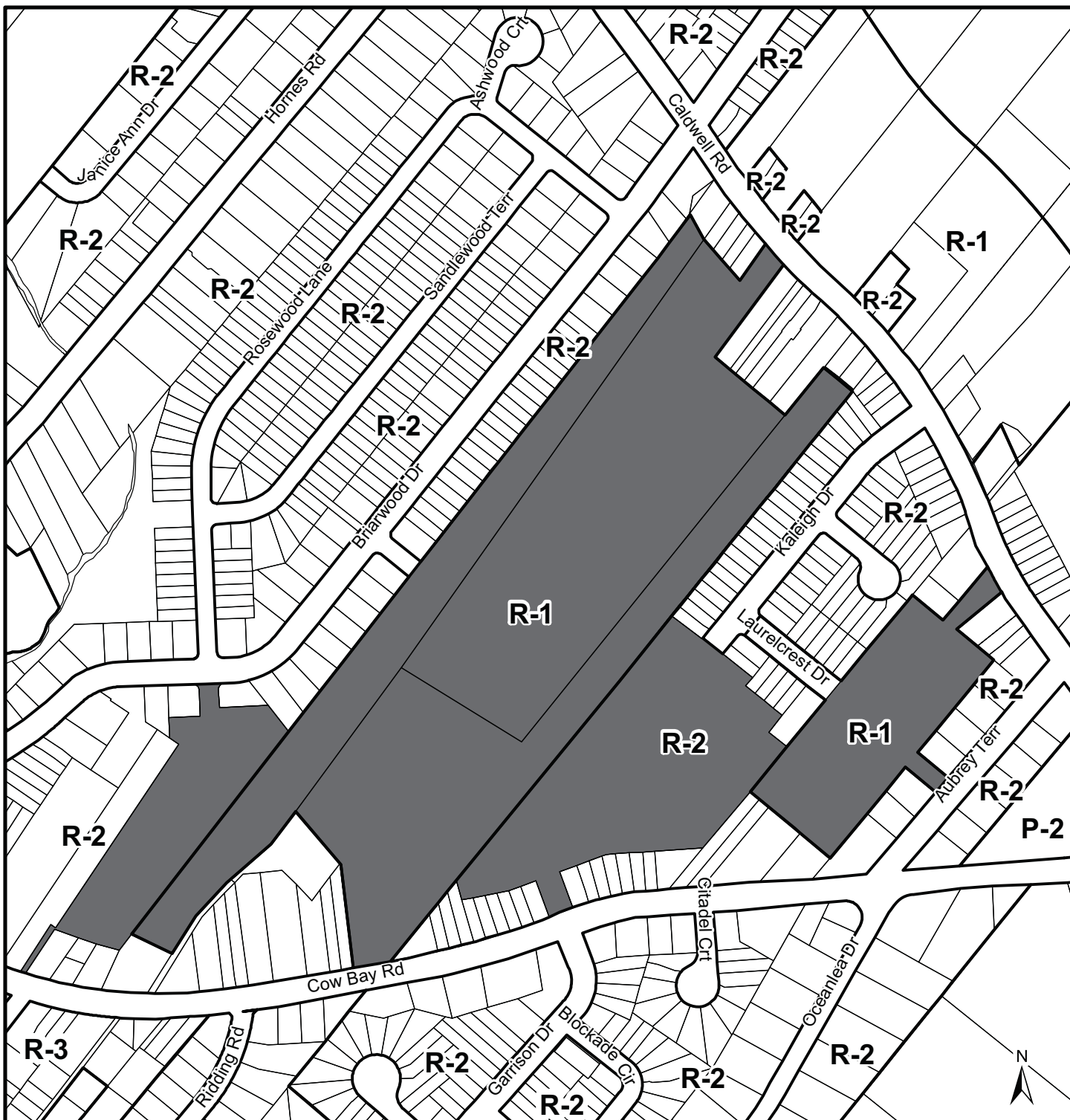
BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Eastern Passage and Cow Bay Land Use By-law which was adopted by the former Halifax County Municipality on the 22nd day of June 1992 and approved by the Minister of Municipal Affairs on the 5th day of October, 1992 which includes all amendments thereto which have been approved by the Municipality, is hereby further amended as follows:

1. Amend Schedule 1 by rezoning those properties situated along Caldwell Road and Cow Bay Road in Eastern Passage, as illustrated on Schedule A from the R-1 (Single Unit Dwelling) Zone and the R-2 (Two Unit Dwelling) Zone to the Comprehensive Development District (CDD) Zone.

I HEREBY CERTIFY that the amendments to the Eastern Passage and Cow Bay Land Use By-law as set out above, were passed by a majority vote of the Harbour East-Marine Drive Community Council held on the _____ day of _____, 2014.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2014.

Cathy Mellet
Municipal Clerk



Schedule A

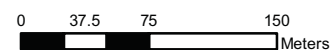
Caldwell Road,
Eastern Passage



Area to be rezoned to CDD
(Comprehensive Development District)

Zone

R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-3	Mobile Dwelling
I-2	General Industry
P-2	Community Facility



This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

HRM does not guarantee the accuracy
of any representation on this plan.

Eastern Passage/Cow Bay Plan Area

ATTACHMENT B
PROPOSED DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of **[Insert Month]**, 2014,

BETWEEN:

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Caldwell Road and Cow Bay Road in Eastern Passage and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested the Municipality enter into a Development Agreement to allow reduced lot frontages and areas for single unit dwellings on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-5 and UR-13 of the Eastern Passage/Cow Bay Municipal Planning Strategy and Section 26 of the Eastern Passage/Cow Bay Land Use By-law;

AND WHEREAS the Harbour East-Marine Drive Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18992;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Eastern Passage/Cow Bay and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18992:

Schedule A	Legal Description of the Lands
Schedule B	Concept Plan
Schedule C	Alternate Concept Plan

3.2 Requirements Prior to Approval

- 3.2.1 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.2 This Agreement shall be deemed to meet the requirements of the Regional Subdivision By-law with respect to Concept Plan Approval. As per Section 99 of the Regional Subdivision By-law, a tentative application is optional.

3.3 General Description of Land Use

- 3.3.1 The permitted uses of the Lands are the following:

- (a) A maximum of 122 single unit dwellings (with reduced frontages) and a maximum of 38 two unit dwellings as illustrated on Schedule B; or
- (b) A maximum of 87 single unit dwellings and a maximum of 34 two unit dwellings as illustrated on Schedule C, subject to the R-1 and R-2 zoning provisions contained within the Land Use By-law for Eastern Passage/Cow Bay, as amended from time to time;
- (c) Uses accessory to the foregoing, as per the requirements of the Land Use By-law for Eastern Passage/Cow Bay, as amended from time to time; and
- (d) Home business uses, as per the requirements of the Land Use By-law for Eastern Passage/Cow Bay, as amended from time to time.

3.3.2 The Development Officer may permit the area identified as 35 ft. Semi-Detached on Schedule B to be converted to 35 ft. Single Unit Dwellings provided all other provisions as this agreement are met.

3.4 Detailed Provisions for Land Use

3.4.1 No subdivision approval or development permit shall be issued for any single unit dwelling located on a designated 35 feet reduced frontage lot on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 10.66 metres (35 feet)
- (b) Minimum lot area: 315.9 square metres (3400 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum separation between buildings: 3.66 metres (12 feet)
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Maximum driveway width: 3.66 metres (12 feet)

3.4.2 No subdivision approval or development permit shall be issued for any single unit dwelling located on a designated 40 foot reduced frontage lot on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 12.19 metres (40 feet)
- (b) Minimum lot area: 371.6 square metres (4000 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum separation between buildings: 3.66 metres (12 feet)
- (h) Maximum lot coverage: 35%

- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Maximum driveway width: 3.66 metres (12 feet)

3.4.3 No subdivision approval or development permit shall be issued for any single unit dwelling located on a designated 50 feet reduced frontage lot on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 15.24 metres (50 feet)
- (b) Minimum lot area: 464.5 square metres (5000 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum separation between buildings: 3.66 metres (12 feet)
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Maximum driveway width: 3.66 metres (12 feet)

3.4.4 No subdivision approval or development permit shall be issued for any two unit semi-detached) dwelling lot on Schedule B except in accordance with the requirements of the R-2 Zone as contained within the Land Use By-law for Eastern Passage/Cow Bay, as amended from time to time.

3.4.5 Each dwelling shall be served with a hard surface driveway that extends from the street curb to the front façade of the building and a parking space for a vehicle measuring not less than 3.05 metres (10 feet) in width and 5.49 (18 feet) in length.

3.4.6 Encroachments may be permitted in accordance with and subject to Part 4.21 of the Eastern Passage/Cow Bay Land Use By-law, as may be amended from time to time. For the purposes of this section, the Lands shall be considered to be located within a residential zone.

3.5 PARKLAND

3.5.1 The Parkland Dedication shall substantially conform with the location and dimensions illustrated on Schedule B including a 1735.43 square metre Neighbourhood Park at the Kerri Lea Lane/Castlebridge Lane intersection and a 702.13 square metres linear park parcel creating a public pedestrian connection between the existing Briarwood Drive road right-of-way and the proposed Kerri Lea Lane road right-of-way. All parkland identified in this Section shall meet the HRM Regional Subdivision By-Law definition of “usable land” and Parkland Quality of Land Criteria and Parkland Dedication requirements. The land shall be free of legal, environmental or physical encumbrances. “Encumbrances” mean, for the purposes of park dedication, legal, environmental or physical constraints on the lands that may limit its intended use and management or present an unreasonable development or remediation cost to the Municipality. The Development Officer may

permit variations to parkland site configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced and the proposed parkland meets the requirements of the Municipality.

- 3.5.2 The Developer agrees the Parkland Dedication illustrated on Schedule B does not fully satisfy the Parkland Dedication requirement for the Subdivision. The Developer will provide land, cash or equivalent value or a combination of land, cash and equivalent value for the remaining dedication, as per the requirements of the Regional Subdivision By-law.

3.6 SIGNS

Community Signs

A maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall be completely on private property and require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

PART 4: STREETS AND MUNICIPAL SERVICES

General Provisions

- 4.1 All design and construction of primary and secondary service systems shall conform to the most current edition of the HRM Municipal Design Guideline and Halifax Water's Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

Off-Site Disturbance

- 4.2 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

PART 5: AMENDMENTS

5.1 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Changes to the detailed provisions for Land Use as detailed in Section 3.4 a) which, in the opinion of the Development Officer, do not conform to Schedule B;
- (b) Consideration of two unit dwellings within the identified areas on Schedule B (Optional Area for Two Unit Dwellings) provided the ratio of 70:30 is achieved and all other provisions of this agreement are adhered to;
- (c) The granting of an extension to the date of commencement of construction as identified in this Agreement; or
- (d) The length of time for the completion of the development as identified in this Agreement.

5.2 Substantive Amendments

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

6.2 Subsequent Owners

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

6.3 Commencement of Development

- 6.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 6.3.2 For the purpose of this section, commencement of development shall mean issuance of a development permit.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1, if the

Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4. Completion of Development

6.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay, as may be amended from time to time.

6.4.2 For the purpose of this section, completion of the whole development shall mean issuance of the last occupancy permit.

6.5 Discharge of Agreement

6.5.1 If the Developer fails to complete the development after 7 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

7.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

SIGNED, DELIVERED AND ATTESTED
to by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

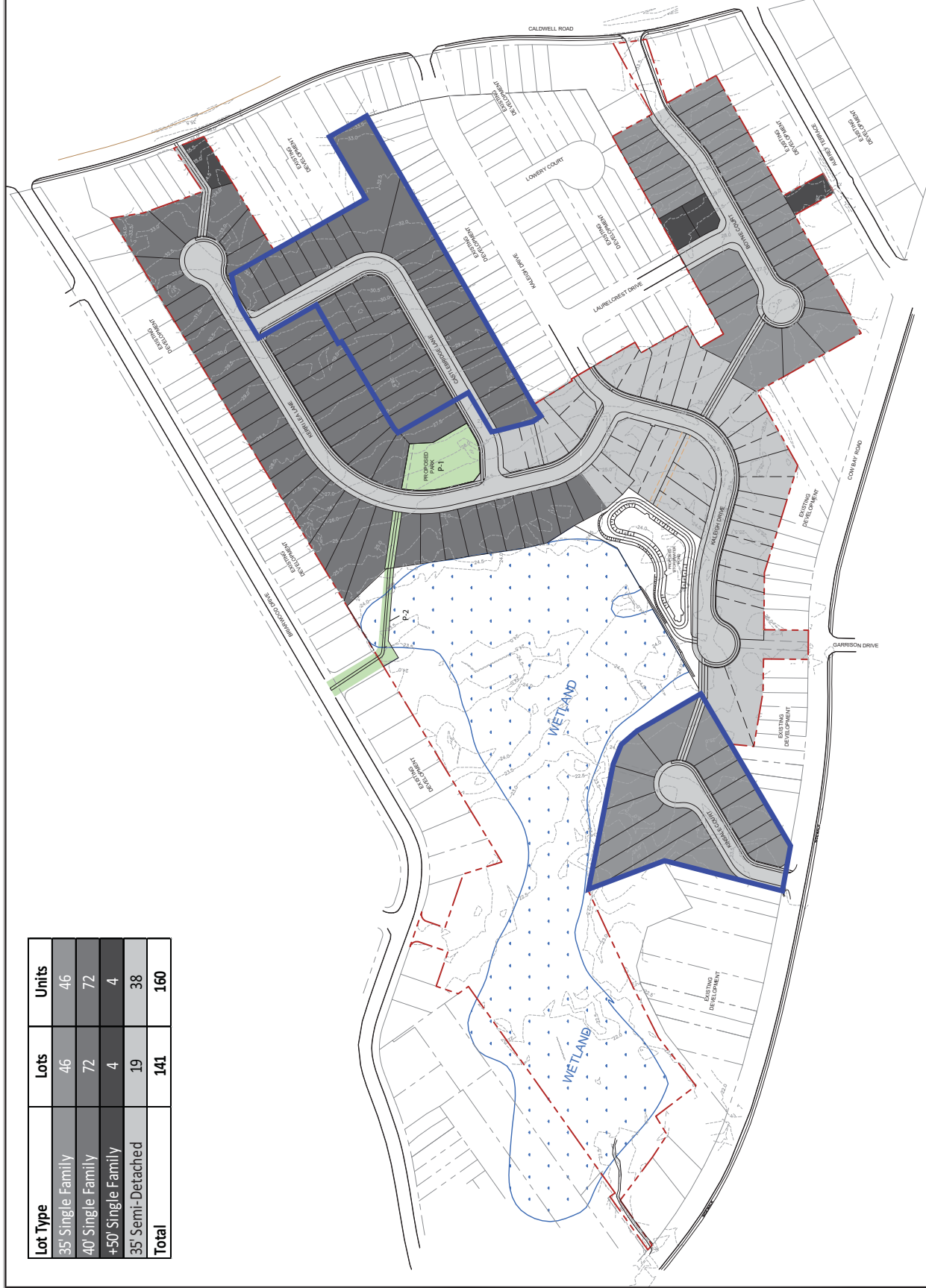
Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

Lot Type	Lots	Units
35' Single Family	46	46
40' Single Family	72	72
+50' Single Family	4	4
35' Semi-Detached	19	38
Total	141	160



LEGEND

- Site Boundary
- Proposed Lot Line
- Proposed Lot Line - Zero Setback
- Modified Lot
- Proposed Easement (Approx. Only)
- Wetland
- Optional two unit dwelling area

SITE SUMMARY:

- Land Area: 40.5 Acres (16.4 ha)
- Existing Zoning: R-1 & R-2
- Proposed Zoning: CDD

BRINDALES STATES CONCEPT PLAN

DARTMOUTH, NOVA SCOTIA

ARMCO CAPITAL INC.

May 13, 2014

SCALE

0 25 50 100 200

1" = 50'

NORTH

104

DESIGNED BY: [Firm Name]

DESIGNED FOR: [Firm Name]

DESIGNED ON: [Date]

DESIGNED BY: [Firm Name]

DESIGNED FOR: [Firm Name]

DESIGNED ON: [Date]



Attachment C:
Excerpts from the Eastern Passage and Cow Bay Municipal Planning Strategy

<i>Policy</i>	<i>Staff Comment</i>
<i>UR-5</i> <i>It shall be the intention of Council to establish a general objective of 70:30 as a housing mixture ratio between single unit dwellings and other types of residential dwellings units within the Plan Area.</i>	<p>The establishment of a general objective of 70:30 as a housing mixture ratio has been interpreted by staff to mean that this relationship be used as a guideline within the plan area as well as to individual development proposals.</p> <p>The request by the developer of the lands is for 160 dwelling units comprised of 122 single unit dwellings and 38 two unit dwellings. To compare this with the 70:30 ratio of the Policy the number of units could be expressed in a reduced proportional relationship of 76:24 that means the ratio of single unit dwellings to all other dwelling types is greater than 70 percent.</p>
<i>UR-13</i> <i>It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial and general commercial uses shall be prohibited. When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall regard to the following:</i>	
<i>(a) that the proposal is within the Urban Residential Designation</i>	The proposal is within the Urban Reserve Designation of the EP/CB MPS.
<i>(b) that the development is capable of utilizing existing municipal sewer and water services</i>	The development is capable of utilizing existing municipal sewer and water services. There is an allocated capacity for the wetland area. Through the rezoning and development agreement process this allocated capacity is applied to the developable lands and the wetland protected.
<i>(c) that the development includes a minimum land area of five acres</i>	The proposal covers a land area of approximately 24.5 acres (10 ha).
<i>(d) that, where the development provides for a mix of housing types, it does not detract from the general residential character of the community</i>	The proposal provides for a mix of residential dwelling types as the request is for single unit dwelling on reduced lot frontage (46 dwelling units on 35 feet frontage lots; 72 dwelling units on 40 feet frontage lots and 4 dwelling units on 50 feet or greater frontage lots) and two unit dwellings (3 dwelling units plus 35 permitted by existing R-2 within the subject lands). This would not detract from the general residential character of the community because the entirety of the proposed development is surrounded by R-2 zoned

Policy	Staff Comment
	lands and built with two unit dwellings on small frontages.
<i>(e) that adequate and useable lands for community facilities are provided</i>	No lands are set aside for community facilities as such facilities are not required. However, Parkland established by the land dedication through the subdivision mechanism for the lands will be determined at the final subdivision stage and will be work of equivalent value or cash-in-lieu.
<i>(f) that the development is consistent with the general policies of this planning strategy and furthers its intent.</i>	See IM-11(a) below.
UR-15 Pursuant to Policies UR-13 and UR-14, and as provided for by the development agreement provisions of the Planning Act, the development of any district shall only be considered by Council through an agreement which shall specify;	
<i>(a) the types of land uses to be included in the development</i>	Land uses are limited to residential.
<i>(b) the general phasing of the development relative to the distribution of specific housing types or other uses</i>	The proposed development is not phased due to its limited size.
<i>(c) the distribution and function of proposed public lands</i>	Public lands consist of the parkland dedication established through the subdivision process.
<i>(d) any specific land use elements which characterize the development; and</i>	n/a
<i>(e) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-11.</i>	See IM-11 below.
IM-11 In considering development agreements and amendments to the land use by law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have appropriate regard to the following matters:	
<i>(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;</i>	The proposal conforms with the intent of the MPS as discussed in detail in this Attachment.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	There is no additional cost to the municipality at this time.
<i>(ii) the adequacy of sewerage and</i>	Halifax Water confirms there is adequate sewage

Policy	Staff Comment
<i>water services;</i>	treatment capacity and water for this proposal.
<i>(iii)the adequacy or proximity of school, recreation or other community facilities;</i>	There are adequate recreation and community facilities in the area to support the proposed development. Comments were not received by the Halifax School Board.
<i>(iv)the adequacy of road networks leading or adjacent to or within the development; and</i>	The traffic impact study accepted by traffic services indicates site development at full build out is not expected to have a significant impact on the local street network or study area street intersections.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	n/a
<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i)type of use;</i>	The proposed land use is low density residential development in the form reduced frontage single unit dwellings and two unit dwellings.
<i>(ii)height, bulk and lot coverage of any proposed building;</i>	The dwelling units will comply with all regulations, requirements and provisions of the Eastern Passage/Cow Bay LUB except where varied by the development agreement.
<i>(iii)traffic generation, access to and egress from the site, and parking;</i>	See IM-11(iv) above.
<i>(iv)open storage;</i>	Open storage is not permitted under the LUB.
<i>(v)signs; and</i>	Signage is permitted as per the Eastern Passage/Cow Bay LUB.
<i>(vi)any other relevant matter of planning concern.</i>	n/a
<i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	The subject lands are located near an area on Cow Bay Road that has been the subject of drainage issues and recent flooding. The development agreement requires the developer to prepare a stormwater management plan addressing site surface drainage.
<i>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	n/a

ATTACHMENT D

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 18573 – ERINDALE ESTATES, EASTERN PASSAGE**

**Monday, December 9, 2013
7:00 p.m.
Eastern Passage Fire Station**

STAFF IN

ATTENDANCE: Darrell Joudrey, Planner, HRM Planning Applications
Holly Kent, Planning Technician, HRM Planning Applications
Rowena Dill, Development Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Bill Karsten
Chris Millier, Vice President of Community Development, Armco
Steve Stone, Armco

PUBLIC IN

ATTENDANCE: Approximately 29

The meeting commenced at 7:04 p.m.

1. Introduction/Purpose of Meeting – Darrell Joudrey

Darrell Joudrey welcomed everyone and introduced himself, Councillor Bill Karsten and the other HRM staff in attendance. Mr. Joudrey explained the reason the meeting was being held was because they have received a Development Agreement application. The information is presented to hear feedback from citizens before the staff report is prepared and no decision have been made up to this point or at this meeting.

2. Overview of planning process/Presentation of Proposal – Darrell Joudrey

Mr. Joudrey explained that the development proposal is by Armco Capital Inc. Their proposal is to transfer equivalent density from delineated wetlands and apply it to an existing R-1 in order to allow R-2 units through a development agreement.

Mr. Joudrey displayed a map of the subject lands. He explained that the plan area is Eastern Passage and Cow Bay. The current designation on the lands is Urban Residential and the lands are currently zoned R-1 and R-2. The original application was a different case number and was simply to rezone from R-1 to R-2. After review and a team meeting we met with Armco and asked them to make a new application for a development agreement. We would zone the land CDD or Comprehensive Development District that would allow them to put a

development agreement on the land. Through a development agreement you can control the use of land much better than through a rezoning.

Mr. Joudrey explained the enabling policies from the Municipal Planning Strategy. One of the policies he explained was UR-5 that provides for the accommodation of a variety of housing types. A ratio of low density housing from single unit dwelling to higher density housing of 70:30 is established as a general target for achieving an overall housing mix in the plan area.

The other policy that is being looked at is UR-13. This is the policy that allows council to establish a comprehensive development district or CDD within the land use by-law. It could mix any residential use and the development of the community facility uses in association with residential uses.

When considering an amendment for a development agreement within a comprehensive development district, council has asked to give regard that it is within the urban residential designation, the development is capable of utilizing the existing sewer and water, the development must include a minimum land area of 5 acres and that the development would provide for a mixture of housing types. It also should not detract from the general residential character of the community, adequate facilities need to be provided and the development consisted with the general policies of the Municipal Planning Strategy.

The comprehensive development district is primarily intended to carry out the objectives for the service community and it is not the intention that this mechanism be extended to implement general development in the un-serviced portions of the plan area.

Mr. Joudrey turned the floor over to Mr. Millier of Armco.

3. Presentation of Proposal – Chris Millier, Armco

Chris Millier, VP of Community Development with Armco introduced himself and thanked everyone for coming. Mr. Millier presented the project background. Mr. Millier explained that they own approximately 40 acres. This land is bounded by Briarwood, Caldwell and Cow Bay roads. The lands are currently zoned as R-1 and R-2. About 10 acres or 9.7 acres of the property have been delineated, professionally evaluated and identified as wetlands.

Mr. Millier explained that they had a community meeting several months ago and there have been development proposals in the works for this property even before Armco acquired it. They had received concept approval for development in 2007 that included 205 units over the 40 acre parcel. After 2007 is when the wetland delineation work was done. Following the 2007 approval the developable area was defined and the final design which reflected the presence of the wetland was submitted. It does include currently the ability to construct 121 units over about 25 acres of the site, which would be the 40 acres less the wetland. There is as of right potential on this property. It is already zoned for R-1 and R-2 uses and Armco has made application under those as of right abilities.

The original 2007 proposal called for a primary or local connector type street with a number of smaller local streets off of it as well as a separate street connecting or accessing Briarwood at Rosewood. The development also called for an extension of a new cul-de-sac off of Caldwell Road. The original plan had a mixture of singles and semis which is about 205 units and this is as of right.

Mr. Millier explained the current proposal. They are proposing to have R-2 development allowed on lands that are currently within the land holding zone R-1 and are proposing that the street have the work, parkland and servicing that was approved in 2012. In addition to the layout that you saw all of the engineering design was prepared, reviewed and approved through HRM. The design of the sewer system, the roads and of the storm water systems has been done. The proposal is to leave them intact and to simply change the use. There is a parkland component that is required with development and the current proposal which has parkland located in a central area but still accessible from both sides will remain. The area that is currently zoned R-1, the lots are very similar. The central parkland remains and is connected to Briarwood through a walkway and a boardwalk and would be connected through sidewalks and local streets to adjacent development.

In terms of density, the municipality uses 3.35 persons per unit per single family dwellings, two unit dwellings and townhouses. In terms of the 2007 concept they were looking at about 17 persons per acre and 205 units over the entire project. The 2012 design approval which uses about half the property has about half the number units. In the 2013 they are trying to recapture the density of the as of right which can't be capitalized on because of the wetland. Initially it was proposed to rezone, but then talked to the councilor, community, and staff and the suggestion was that a development agreement would be a better technique to address some of the bigger questions. After considering, they were in agreement to use a development agreement as a tool that provides a lot more security, and a lot more clarity.

Mr. Millier explained that the CDD has provisions in the strategy to be enabled. They don't intend to develop the wetland even though in NS you can alter wetland, as there is a process with NS Dept. of Environment to receive approval to alter wetland but it isn't our intention. The development agreement provides a lot more clarity in terms of development rights and restricts development even if NS Dept. of Environment were inclined to approve an application to alter wetland.

He noted the application they submitted included traffic impact statements, servicing schematics, site plans, survey plan and they also have a complete approved engineering design for the development.

Mr. Millier explained the enabling policy in the Municipal Planning Strategy. UR-5 is referenced, UR-7 and UR-13 and IM-11. All basically layout criteria against which any application, but in particular this application are assessed. The outcome is to make sure the development doesn't create undo financial or capital impacts for the municipality by means of requiring upgrades to infrastructure, compatibility with the character and the fabric of the broader community is another issue that is addressed in policy. There are specific issues such as heritage buildings and such.

Mr. Millier explained they do have as of right potential for both R-1 and R-2. He explained they have design approval, which is that next level of detailed planning, in 2012 reflecting a limited development potential because of the wetland. They are proposing 167 units in total and it's over the total acreage but they are not proposing to develop on the wetland. The current proposal will maintain the street network design that was approved in 2012. The wetland, through the provisions of the development agreement will be explicitly identified and protected and remain undeveloped. The balance of the technical information that they have provided supports the scope of the rezoning that they are proposing now. The traffic analysis, servicing analysis and all of the balance technical work has been done and is very positive in the potential impact that the incremental 46 units could create. The development agreement is a legal undertaking between Armco and the Municipality. They feel that it provides the community the security and assurance that it would like to achieve, and on their part provides the ability to have the plan that they have put on the table implemented.

Mr. Joudrey opened the floor to the public for questions.

4. Questions/Comments

Craig MacDonald, Cow Bay Road, asked if there has there been any consideration regarding the traffic flow on the Cow Bay Road? He stated that when he looked at the plan for the application he can see an increase in traffic on residential streets such as Aubrey Terrace, the intersection on Cow Bay Road and Calder Road and possibly Hornes Road. Is there anything in place that prevents future development on the wetlands because it had been mentioned that it is possible that you can go to the Department of Environment and make changes and develop that in the future? Has there been any consideration regarding the impact for the population of our schools?

Mr. Joudrey explained that a traffic impact study has been submitted by the developer and reviewed by traffic services. Supplemental information from Armco was requested.

Mr. Steven Stone, Armco Capital, advised that they had submitted a revised traffic impact statement addressing the questions that were brought up by HRM Traffic Engineering. The result of the study, prepared by Genivar, considered additional lots and placed the traffic load onto the road network and intersections around and all intersections were at a level "B" service or greater so that it is a passing mark.

Mr. Jim MacDonald, Cow Bay Road asked if this was done between the hours of 6:30am and 8:30am because you can't get from Falkner Drive to Quigley's corner at those hours in the morning because it is backed up.

Mr. Steve Stone, Armco explained that the assessment went through morning and afternoon peak hour traffic. It forecasts out to 2018, so it took traffic counts and growth levels and forecasts it out to the year 2018 and we are still at a level B service into 2018. A level B service is based on the wait time, cue length at the intersections and different variables and it

is all through the T.I.R. standards. It's explained better in the manual. It is an aggregated score based on the level of service.

Mr. Joudrey explained that preserving the wetlands was the very reason that staff decided that zoning the lands to CDD and entering into a development agreement was the appropriate planning option to consider. Once the concept plan is adopted as part of the development agreement it can't be changed unless we put a substantive amendments or non substantive amendments in the agreement. The development agreement is a way of preserving the site as it is. It ties the developer to what is showing on the concept plan and the schedules are attached to the development agreement. These agreements run with the lands. Everyone who purchases a home will be subject to this development agreement in this development.

In regards to schools, Mr. Joudrey has requested comments from the Halifax Regional School Board and has not yet received any written comments.

David Darrah, Cow Bay Road, explained that he lives in what they call the flood zone for the past 25 years. He stated that in the Municipal Planning Strategy for Eastern Passage it clearly states on page 44 through 46 that any development to the area that impacts infrastructure that's in place clearly has to be charged to the developer. What is the amount per lot that is being charged for the upgrade of the proposed and coming deep water storm systems or sewer, with this development? With that designation in mind is there a proposed kick-in from this development for the proposed deep water sewer system and will you be connecting to it when or if it does goes in?

Mr. Millier, Armco stated the deep water storm system is actually going to be paid by the municipality and not the home owners. Secondly, the engineering design does not require any upgrading of any existing infrastructure whether it be a road, sewer, water or storm sewer to accommodate the proposed development.

Mr. David Darrah, Cow Bay Road, stated they will certainly pursue that. Mr. Darrah stated that it was understood that the as of right development clause grandfathered in for this proposal was on a time frame or was it? He wanted to know because for him to build things he had so many months to do it so for this as of right development, is there a time frame allotted? We are looking for advancement and answers.

Mr. Millier, Armco, stated that as of right has no time line. The time line is relevant to what the standards is at the time you undertake the construction. Our approvals which were in 2012 typically have about a 2 year lifespan, it is not unusual after 2 years, after being approved for HRM to want to make sure the design standards that are in place reflect any changes that may have been made to servicing specifications and standards over time. They get tweaked every once in a while so typically what you will find is during the design approval process you have about a two year window.

Mr. David Darrah said they are not against doing something properly but some of them are a bit skeptical after what we have been through over the past 25 years of engineering that was really substandard in our mind. Mr. Darrah stated that the battle on storm water situation is

to a point that we have been taken off the hook for funding. All of our homes will still be flooded if we have an extreme weather situation, so we want it done properly. These people are capable but they are a corporation and they want to make every dollar that they can and if there is a way of making the extra money within in the bounds of what you lay out for them they will do it. In the past HRM hasn't really serviced us well and we want that point understood.

Mr. Joudrey, stated that's another advantage of going through a development agreement. The storm water management plan has to be approved as part of the agreement.

Mr. David Darrah said he was at the development office and had a look at the plan. The storm water system is supposed to work within the bounds that they've allowed but we also noticed that there is an overflow and you know what that is, it's an overflow into our district out of that development and if there is an overflow than that is not going to be good.

Karen Edwards, Caldwell Rd, stated she owns a property on Caldwell Road and is a Real Estate Broker. She stated that she sees this development as being an addition to problems they already have, especially the storm sewers. Wetlands, you say it can't be developed and there is never an "it can't be" unless it is in writing and even if it is in writing it can be challenged at a later time. The infrastructure for Eastern Passage for schools there is not enough space; the roadways are very busy at peak times right now. This is going to bring in another 167 homes that the average home has about 2 to 3 cars. We are also talking about the density of shopping, pets, it's a plan that needs to be plan and originally approved for 121 and now 167 R-2 zoned properties. I am opposed only because of all the issues talked about tonight such as density, traffic, school, churches, shopping as that has not been planned in Eastern Passage. This has to go back to table and go back to single family home if it goes ahead at all. I have been flooded and it is because of the development that has taken place around me, but I can't do anything about it and I'm being told that some people are being asked by the municipality a sum of \$25, 000 and now down to \$5,000 and now we are talking that the municipality is going to be paying for this drainage sewer. Who pays the municipality? It's our taxes.

Mr. Lucas, asked for clarification on where the road is and points out a subdivision that he developed. Mr. Lucas states that there is an area that is all rock and once blasting starts you are going to drain the wetland, and water runs to the point of the low end. Mr. Lucas stated that he was on a planning committee with the town of Eastern Passage. He stated that they spent thousands of dollars on this plan and now they come along and they want to change it from R-1 to R-2. He feels that if anything that is currently zoned R-1 should stay R-1. Mr. Lucas states that it is in his understanding that CDD is what they go for whenever they want a change and they get it. Heritage Hills was changed dozens of times, it was supposed to be 60' lots and ended up with smaller lots. They went every time and got it changed.

Mr. Joudrey explained the CDD (comprehensive development district) zone. Anything listed in the by-law is a provision and can be put in place by the developer but anything in the development agreement that is enabled through the CDD has to be negotiated with HRM.

Mr. Lucas stated that this development should not go ahead until the water problem is solved. There is major flooding. Mr. Lucas explained the water problem he had when he purchased his land and built his first house back in 1974 when the storm water was put in. He stated there was a water problem in 1974 and it has increased since. People are being flooded and this development should not go ahead until that issue is solved.

Councillor Bill Karsten, clarified that the deep storm water project issue was resolved with council at a meeting last week. He stated his colleagues supported him in an effort to make sure that all of the funding would be done through municipality and the residents will not pay a cent for that project.

Linda Forward, Cow Bay Road, stated that she moved to her home in 2007. She stated that her driveway is 400ft long and next to wetland. She was astounded by all the butterflies and birds that came along. She wanted to find out if there was anything that could be done to protect this land so she called the environment office in Bedford and was told that even if that was protected, developers can say to the province that if they allow them to develop that piece of land they will buy land somewhere else in the middle of nowhere and swap it and then that would be developed. What will prevent that from happening? There is a lot of water there and my driveway is always washed away. She stated she spent thousands of dollars building up her driveway this summer.

Ms. Forward stated that she lived on Briarwood for a number of years. There is not enough parking, the properties are so small, most people have two cars, it's noisy, unpleasant. She stated that she does not see any green space that's protected in their area and would like to know how the Councillor going to speak to this and how is he going to defend them?

Councillor Bill Karsten stated that because of the nature of his job that he can not answer that question tonight. He advised that he would stay neutral during the process to hear all sides and make an informed decision.

Mr. Rudy Sekulic, Briarwood Drive, stated that he lived at the end of parkland and wants to know will there be swings. He explained that he has been flooded twice, and the water is now five feet from his fence so if your going to build something there you need to realize this high water table. He stated that they should take a walk where the pink ribbons are when it's raining, there are sink holes. He once dug a French drain in his back yard about three feet and water started gushing in.

Mr. Joudrey answered Ms. Forwards comment on the wetland. The development agreement will preserve the wetland in tact, and if the developer wants to develop it, he would have to make a substantive amendment.

Mr. Brian McBarran, Aubrey Terrace stated that through the strategic meeting that tax payers spent a lot of money on and were involved in it. Looking at this plan it looks like 80:20 of semi and single family when it is supposed to be 70:30. Mr. McBarran stated that he doesn't think this development should be given the go ahead and asked what month the traffic survey was done?

Mr. Steve Stone, Armco answered that it was designed the 3rd Thursday in September.

Mr. McBarran asked if Mr. Stone could explain what the levels B, C and D mean.

Mr. Steve Stone, Armco answered that it is an aggregated score level of service. He explained that he didn't have the documents here to give all the criteria but it is based on the cue length, amount of cars and wait times at an intersection. All these factors go in and they aggregate them to give you the grade score of A, B, C or D. These intersections are meeting a B level of service in 2018, based on a 3rd Thursday in September when traffic is at its highest in September.

Mr. Brian McBarran stated that they should look at the wait times in December, when people are too cold to walk or take their bicycle and everyone is in their cars.

Mr. Steve Stone, Armco explained that the traffic engineers who do this for a living they have a standard which is a national standard.

Mr. McBarran stated he lives up a hill and his house gets flooded. He mentioned that at the first meeting they discussed there would be an engineered pond that would take care of all the water. Anything that says it has an overflow, if it is an engineered pond, it would be an overflow. So if there is going to be an overflow from this development and it comes into your high water sewer, the drainage that is supposed to help us, are they going to be on the hook for that? The water is 3' deep when it comes down his ditch and flows over his driveway.

Councillor Bill Karsten, asked Mr. McBarran to give him a call so he can come have a look at it.

Mr. McBarran mentioned to envision Eastern Passage, Cow Bay trying to evacuate.

Ms. Sherry Burns, Aubrey Terrace stated they said that they had spoken to the Councillor, the city plan and to the community and asked who in the community they were speaking to.

Mr. Millier, Armco, stated that he hosted a meeting at Fishermans Wharf and was there until 9:30 and had arrived at 6:30. He noted that they had received all kinds of comments which were all recorded.

Ms. Burns stated that she is hearing nothing has been changed in this plan and it is just being called a different name. It still goes against the 70:30 rule that council has in the Municipal Planning Strategy. No one has mentioned the additional water with the clear cutting that will go on with this. Where is all the water going to go that all the trees and grass used to soak up? She stated that she has spent thousands of dollars so she could have a dry basement now because of the water problems in this area.

Ms. Burns stated that she lived in a semi for a number of years and it was perfectly fine but have now moved into an R-1 home. When you start sticking the number of semis that you have here you are taking the value away from our home. He is opposed to more semis going in Eastern Passage. Do what is right for the community not for the profit.

Councillor Bill Karsten, pointed out that the traffic for the whole eastern region is in an over capacity state and they can count on him to try and connect the road that would take traffic off of Caldwell road, over the Shearwater lands to the 111. It is in the long term regional plan for transportation and that is a solution for the traffic and that is something he is working on.

Mr. John Bennett, stated that the traffic plan that was done was done apparently for this development. There is another development going across the road from him on Caldwell and another farther down Caldwell that is expanding at Grant's trailer court. There is another development that is going in high density down on Hines Road across from Shearwater airport that completely wiped out the nature trail that was going through the woods there. What do we have for frontage on these properties? Mr. Bennett asks if it is less than 30' because he did a little calculation on the guestimates from what he saw on the list and it appears to be a shade over 18 metres and in his calculations works out to 58.5 feet. So according to that list we are around 30'.

Mr. Millier, Armco stated there is 70' or 35' per unit.

Mr. Bennett, explained that if you put that many people in that small of space you will end up with the same thing we have in Heritage Hills. Every night there is no less than five police cars doing about 160 Km/hr going down Caldwell Road. It is ridiculous when you see that kind of police presence down here with the little bit of people we have here now. What is the total number of units that is going to be put into this subdivision? Right now it says 121.

Mr. Chris Millier, Armco clarified that there will be 166 units. A unit is a single side of a semi or a building that is a single detached or an apartment in a multiple unit building. A unit is a dwelling unit and a lot is a lot. A lot could have two units on it or it could have 55 units on it depending on what type of building it is. Right now the development is approved for 121 units in total. The application is to increase that to 167 units.

Mr. Bennett discussed the stream that goes by Hornes Road comes almost to the bottom of the bridge and if you dump another truck load of water that you are going to get off of that property into that same little stream then we will be looking to have a bridge rebuilt.

Mr. Bennett stated they have no infrastructure and there is nothing planned. There is no shopping, we are getting a school but it is not going to be big enough when you take into consideration the number of people we are going to be putting in here with the four developments he has mentioned. The development down by Shearwater hasn't been authorized yet, but they are already laying out the housing lots behind him, already extending the Birch Hill trailer court. If you put this many people into that small of an area, we are just

going to get more trouble, more water and more cars. At 7:30 in the morning the traffic is back to the intersection from Tim Hortons. I think we should keep this the way it is, as single units.

Ms. Sheryl Gilbert, Cow Bay Road stated that it is all going to be graded away from the houses so you will be building and it will end up on ours. She stated that when they proposed this originally they didn't have the wetlands. The reserve pond is the same as it was before, it is high and now you have the wetlands as well. Is there any way we can get some infrastructure plans? Where is all the water going to drain off too? Is it going to affect Hornes Road? Right now we flood in all our backyards all through Cow Bay Road and your developing right in my back yard. Where is all that water going to drain to?

Mr. Steve Stone, Armco, stated that the plan is approved as of right. The storm water pond was designed based on this lot configuration and all the infrastructure needs. This pond takes all the water from all the storm sewers in this development and some over land flows into this storm water pond. Then there is output structures that control the flow into the wetland and then the pond will build up over time during a storm and as the storm passes it lets the water go back into the wetland at a much longer time. It cuts the peak off the storm so you don't get flooding issues.

Ms. Cheryl Gilbert, Cow Bay Road stated that the problem is that they already had the flooding issues and unfortunately this development is only going to compound it. We need to know where your water is going so it doesn't end up on us again.

Mr. Steve Stone, Armco explained by pointing out where the water would come out of, and flow through the wetland. He pointed out the outlet point on Cow Bay Road and then it makes its way to the Hornes Brook.

Ms. Cheryl Gilbert, Cow Bay Road stated that with the reservoir pond it is only going to add to more of what is flooding them out and they can't see where the water is going. You add more households watering their lawn it is going to fill up. The storms around here are getting worse, water levels are getting higher.

Mr. Steve Stone, Armco explained that the storm water will be directed from the lots into the street, into the catch basin system, into the storm sewers to the storm water pond. The storm water pond is designed to match the pre and post development flows. The engineer has gone through and calculated the total amount of water that falls on this development, concentrated into the wetland, what that peak flow is.

Ms. Cheryl Gilbert, Cow Bay Road asked when the survey was done what millimeter level were you planning on, how many metric tons can your reservoir pond hold?

Mr. Steve Stone, Armco answered that the storm water pond is designed to take a 1 in 100 year storm.

Ms. Karen Edwards, stated that her property has flooded since the extension of the mobile home park, and the backyards have flooded on Caldwell Road. The grade is going down and there is no possible way that she can see where it is going to hold all the water. The way it is approved it is approved at 121 homes and you are proposing 167. Where are the wider highways? Where are the exits? She states that she lives in Sackville and they had an emergency and couldn't get out and had to go through Tantallon to get out and that is what is going to happen in Eastern Passage. There is not enough infrastructure to service the population, schools and shopping. Do we want to have an over abundance of home in an overpopulated area with no infrastructure? We are heading into 2014 and the housing is going to multiply. Build homes but do it right, don't bring it to us as a problem.

Mr. Chris Lowe, Briarwood Drive, stated the wetlands are in his backyard and it's already wet. I bet the day you dig your pond it is already going to be full. Once it's all done and everyone has there money and they are gone, who is going to fix our problems? We have already have to storms in the last few years that they classify as 100 year storms so are we good for 200 years now? What if it rains for three days straight before the 100 year storm hits us? We are left to hold it if this goes through.

What is your B rating? Is that 25 cars, 50 cars? No one is coming with any real numbers. How many cars per hour? Are we going to have a grading war in the back yard. If it's already wet and you're going to add water to it which means if it floods I flood. Mr. Lowe stated his house is built on grade so if he is flooding there is a big problem and he is not far from it now in a rain.

Councillor Bill Karsten, stated the he understands fully the anxiety and concern of the things that happened years ago. A lot of the anxiety is created from things that were approved 25 years ago. He will make sure the concerns about storm water are addressed.

Mr. Chris Lowe, Briarwood Drive asked where does it go from here. He thinks we should have the numbers and have another meeting. I think those people need to be on the hook for what is going to happen to us.

Mr. Joudrey stated that after this meeting they will try and get answers from the response of what was here tonight and review them. We put those questions back to the development engineering team and they will look at them again. It is another review process. It won't be quite as formal, but the comments here tonight will be looked at. You can send comments to me or the Councillor about your particular flooding issues.

Mr. Chris Lowe, Briarwood Drive, asked how deep the pond will be and how much water they figure it will hold? How much do they figure the wetland behind him will hold? How many cars are in an A grade and in a B grade?

Mr. Joudrey explained that it is possible to answer questions on the storm water management on the site. We have a detailed information page on the website. It is unusual to have a second Public Information Meeting but is something that would be discussed with the councilor and developer.

Mr. John MacDonald, Cow Bay stated that the pond is supposed to hold the water, overflow and suppose to handle all the water as it is in the criteria. Is that information on what is existing there now or does it include the remaining lands? Is the study on what it will take to hold back that water? Is it the whole structure that you're looking at or just the information on what they have there?

Mr. Steve Stone, Armco stated that the entire development goes to that storm water pond. The wetlands are downstream from the storm water pond.

Mr. MacDonald, stated that they closed the road down once for a few weeks. They were supposed to take all the water away when the structure was built. He came by after the rain and it was to the top and overflowing on the land. So if the structure doesn't handle the load. Mr. MacDonald stated that he was at a meeting years ago and can remember George Armoyan saying that he has a god given right to develop whatever he wants and will do it his way.

Councillor Bill Karsten, explained he understands what he is saying about the smelts brook. He had three engineers there the other day. The only area that there is water overflow, the engineer said that it is probably the best designed bridge, it is a break through culvert under the road. It doesn't have to be on top, it was replacing three rusted small pipes that go under the road into one big culvert. The way the overflow is by the neighbor's house, that is wetlands and it is designed to do that. That has been there for 500 years and they would have had to build a berm all the way around.

Mr. Richard Deyoung, Aubrey Terrace stated that Councillor Karsten made a comment to be open minded and that he is not going to pick any sides. He said Councillor Karsten should be like their lawyer and represent them and he thinks they all agree it should not go through.

Mr. John Bennett, president of the Eastern Passage Legion stated that he and his neighbours have had nothing but sand and dirt around. He asked if the trucks are going to be going down Caldwell, Briarwood or Cow Bay, or is the dirt down there is going to be hauled somewhere. Is there any way we can be guaranteed on paper that the roads will be cleared and there will be no dust so that the people that live where I do from Kaley Drive down to Briarwood and beyond? Their properties have been covered in dust inside and out and half the flowers have died because everything has been covered in dirt. If we are going to have another development that size I would like an ironclad guarantee that any event that peoples properties will have financial damages incurred upon them that those damages will be covered.

Mr. Clarence Luc, Cow Bay asked if there is any point of them having some type of pipe to carry the overflow. They are talking about putting a new pipe on Cow Bay Road, why is there not a pipe going in where the wet area is and take that area and put it into the new line that they are going to put in on Cow Bay Road. What you are doing is depending on that pond to take all that water and with the heavy rains it is not going to hold the water. Here in

Eastern passage according to the NS Government at one time, we are in the highest water table area because of the lake behind us and everything comes this way. It's the same with the brook where the bridge is, at times that has a job to take the water. I know at times on Hornes Road when he lived there that water would come right up to the bridge on Hornes Road. In the winter time that could flood. You have to have some caution to take the water from that pond when it won't take it because it is all going to go down to the houses that are being developed in there.

Mr. MacDonald, Cow Bay Rd, asked if Councillor Karsten could find out if the 70:30 is already met with existing and if in fact the 70:30 is already in place that it nullifies that project.

Councillor Karsten stated he has made a note to check into it.

Mr. Joudrey mentioned that the MPS directed them to look at 70:30 as a whole and to use the 70:30 as a guide for any development proposals. It is used in two ways. One is to look at the overall picture and use as a guide for each development that comes in.

Mr. MacDonald stated that if you're not informed then you can't give a vote. He advised that they would like to have the information available so they can go over it and asked how they can get a hold of the minutes of the meeting.

Mr. Joudrey explained the website information is on the bottom of the fact sheet that is available on the back table. This website has detailed information about the proposal and gets updated.

Ms. Karen Edwards, Caldwell Road stated there should be another meeting that can give them more information to weigh in on.

Ms. Linda Forward, Cow Bay Road stated that with this overflow pond is designed to drain into the existing wetland, all the salt from the road, fertilizer from the lawns all the weed clearer flowing into the wetland and it is going to poison the wetland. Maybe the HRM and the Province of Nova Scotia should consider buying that land. The environment is important.

Mr. John Bennett, Caldwell Road stated that there was information on the screen that he would be interested in reading.

Mr. Joudrey stated that he will request to have Armco's presentation posted on the website.

Mr. Jim Macdonald stated that there is a portion of Erindale Estates that has an overflow into the existing ditching system on the Cow Bay Road. He is baffled why Armco wouldn't be responsible for affording the cost of this storm water drainage system that it will be using. Mr. Macdonald states that in his back yard on Hornes Road, the brook now backs up about half way up his back lawn. If you add another 100,000 or million gallons of water, where is that water going to go? If you add something to an overwhelmed system already, it has to

back up. When Briarwood subdivision was created, they put a small drainage ditch to drain a swamp that was acres and acres and it is a pretty insignificant ditch that was put in. It hasn't been maintained and looked after. Now all the water that is going to be forced up the stream from this development.

Mr. Macdonald would like a written financial guarantee from the engineer who wrote the specs for the residents of Hornes Road and the Cow Bay Road, that it will not have any adverse effect on their homes and flooding. He thinks that would be a responsible move on behalf of HRM as well as Armco. It is right in the municipal planning strategy it says that adverse effects for existing residents will not be paid for by those residents but by the developers and those who subdivide.

Councillor Bill Karsten, stated that he committed that they will review the storm water. He will talk to the planning staff about the storm water management plan.

5. Closing Comments

Mr. Joudrey stated that he was going to have a slide of where we were going to go after tonight, but are now going to look at scheduling a second public information meeting after they go over the information they have received at this meeting and once they have gotten as many answers as they can

Mr. Joudrey noted that his email is on the bottom of the fact sheet if you have any further comments or questions and he thanked everyone for coming.

6. Adjournment

The meeting adjourned at approximately 9:07 PM